

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

**WILLIS FOSTER,**

**Plaintiff,**

**V.**

OFFICER CUPPLES, et al.

**Defendants.**

**Case No: 1:25-cv-1140-STA-jay**

OFFICER CUPPLES, et al.

**Defendants.**

OFFICER CUPPLES, et al.

**Defendants.**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
FOR DISMISSAL OF 18 U.S.C. § 242 CLAIM  
AND DIRECTING SERVICE OF PROCESS ON 42 U.S.C. § 1983 CLAIM**

Plaintiff Willis Foster, pro se, filed this action asserting claims under 42 U.S.C. § 1983 and 18 U.S.C. § 242. The Magistrate Judge screened the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) because Plaintiff sought and received *in forma pauperis* status. The Magistrate Judge issued a report and recommendation that Plaintiff's claim under 18 U.S.C. § 242 be dismissed and that the remaining claims under 42 U.S.C. § 1983 proceed. (ECF No. 8.) Plaintiff has filed an objection to the Magistrate Judge's summary of the factual background of the case but does not object to his recommendations. (ECF No. 9.) The Court assures Plaintiff that the facts as stated in the Magistrate Judge's order were made for the purpose of screening only and are in no way binding on the Court.

Having reviewed the record, the controlling law, and Plaintiff's submission, the Court agrees with the Magistrate Judge's decision that Plaintiff's claim under 18 U.S.C. § 242 should be

dismissed and that his remaining claims should proceed. This, the Court **ADOPTS** the report and recommendation in its entirety.

Because Plaintiff's remaining claims satisfy the screening standard under 28 U.S.C. § 1915(e)(2)(B)(ii), the Clerk is **DIRECTED** to issue process for Defendants and deliver that process to the U.S. Marshal for service along with a copy of the complaint, the report and recommendation, and this order. Service shall be made on Defendants pursuant to Federal Rule of Civil Procedure 4(c)(3) with all costs of service to be advanced by the United States.

IT IS SO ORDERED.

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: July 18, 2025